

SENATOR HARRISON

Called up the motion entered this morning to reconsider the vote adopting an amendment offered by Senator Houston on yesterday.

The motion was adopted.

SENATOR HARRISON

Moved to strike out the words "or has applied to purchase."

Adopted.

SENATOR HARRISON

Moved to adopt the amendment as amended.

SENATOR CALHOUN

Opposed the motion.

SENATOR ARMISTEAD

Moved to table the amendment.

The motion to table was carried by the following vote:

YEAS—13.

Abercrombie,	Gregg,
Allen,	Jarvis,
Armistead,	McDonald,
Burney,	Simkins,
Calhoun,	Stinson,
Field,	Woods.
Frank,	

NAYS—11.

Bell,	Knittle,
Burges,	Lane,
Camp,	MacManus,
Claiborne,	Terrell,
Harrison,	Woodward.
Houston,	

ABSENT—3.

Douglass, of G., Upshaw.
Garrison,

SENATOR FIELD

Offered the following amendment to section 14:

"Amend section 14 by adding after the word 'executed,' in line 8, the following: 'And if at the termination of the lease such land is still subject to lease, the lessee or lessees thereof whose term of lease has expired shall have the refusal of such land as he has been leasing on the terms and at the price that may be fixed therefor by the Commissioner of the General Land Office.

Adopted.

SENATOR TERRELL

Offered the following amendment:

Amend section 23, by adding the words.

"Provided that any person or persons who have heretofore leased lands from this State at prices fixed by the land board, and whose leases are not yet expired, shall have their rental for the remainder of their unexpired term reduced to the prices charged under this bill for the lease of similar lands.

SENATOR WOODS

Moved the previous question on the amendment and the engrossment of the bill.

Seconded and the Senate refused to order the main question.

(Senator Lane in the chair.)

The amendment was adopted by the following vote:

YEAS—14.

Bell,	Jarvis,
Burney,	Lane,
Calhoun,	McDonald,
Field,	MacManus,
Frank,	Simkins,
Gregg,	Terrell,
Houston,	Woodward.

NAYS—11.

Abercrombie,	Douglass of G,
Allen,	Harrison,
Armistead,	Knittle,
Burges,	Stinson,
Camp,	Woods.
Claiborne,	

ABSENT—2.

Garrison, Upshaw.

SENATOR HOUSTON

Made an elaborate speech against the bill, and yielded the floor, and,

On motion of Senator Burges,
The Senate adjourned till 10 o'clock to-morrow morning.

FORTY-FOURTH DAY.

SENATE CHAMBER. }
AUSTIN, March 2, 1887. }

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain Dr. Smoot.

On motion of Senator Armistead,
The reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

BY SENATOR ARMISTEAD:

Memorial from citizens of Marion county favoring a Constitutional amendment to exempt manufactories, etc., from taxation.

Referred to Committee on Constitutional Amendments.

BY SENATOR BURGESS:

Petitions of citizens of Travis and Williamson counties protesting against the passage of the high license liquor bill.

Ordered to lie on table with bill.

BY SENATOR M'DONALD:

Memorial from citizens of Red River county favoring a Constitutional amendment to exempt manufactories, etc., from taxation.

Referred to Committee on Constitutional Amendments.

BY SENATOR MACMANUS:

Petition from citizens of Starr county in favor of amended suffrage law pending in the House.

Ordered to lie on table subject to call.

BY SENATOR BURNKY:

Petition from citizens of San Antonio against the high license liquor bill.

Ordered to lie on table with bill.

REPORTS OF STANDING COMMITTEES.

BY SENATOR GLASSCOCK:

COMMITTEE ROOM, }
AUSTIN, March 2, 1887. }
Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Education, to whom was referred Senate bill No. 189, entitled:

"An act to provide for teaching the nature and effects of alcoholic drinks and narcotics in the public free schools of Texas, and to authorize the Board of Education to select the text book therefor," have had the same under con-

sideration, and instruct me to report it back to the Senate with the accompanying substitute for the original bill and recommend its passage.

All of which is respectfully submitted.

GLASSCOCK, chairman.

Bill read first time with committee substitute.

BY SENATOR ARMISTEAD:

COMMITTEE ROOM, }
AUSTIN, March 1, 1887. }
Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on State Asylums, to whom was referred Senate bill No. 282, entitled:

"An act to amend Articles 67, 68, 68a, 72, 75, 79 and 80, chapter 1, title 8, of the Revised Civil Statutes, relating to asylums," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ARMISTEAD, chairman.

Bill read first time.

COMMITTEE ROOM, }
AUSTIN, March 1, 1887. }
Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Military Affairs, to whom was referred Senate bill No. 244, entitled:

"An act to amend Article 3249 of chapter 2, and Articles 3293, 3294, 3295, 3296, 3304, 3306, 3307, 3308, 3310, 3312, 3327, 3329 and 3340 of chapter 4, title 54, Revised Civil Statutes of the State of Texas," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

WOODWARD, chairman.

Bill read first time.

BY SENATOR WOODWARD:

A bill to be entitled:

"An act for the relief of C. L. Thurmond, sr., sheriff of Victoria county.

Referred to Committee on Finance. The Senate resumed consideration of substitute Senate bill No. 219, the land bill.

(Senator McDonald in the chair.)

SENATOR HOUSTON

Spoke at length against the bill

SENATOR TERRELL

Offered the following substitute for the caption:

Substitute for caption the following:

A bill to be entitled:

"An act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the common schools, the university and the several asylums, and the lease of such lands and of the public lands of the State, and to prevent the free use, occupancy, unlawful enclosure or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefore."

Adopted.

(The President in the chair.)

SENATOR ABERCROMBIE

Offered the following amendment:

Amend section 7, line 4, by adding after the word "acre," "and no less than one entire section shall be sold, except in cases where a fractional part of a section is unsold, in which case the entire fractional part of such survey shall be sold."

SENATOR ABERCROMBIE

Explained the amendment, and it was adopted.

SENATOR ALLEN

Moved to amend the amendment offered by Senator Frank by adding after the word "grazing" where it appears in the amendment, the words "and watering," and strike out the words "or for said portion of a day," where it occurs in the amendment.

Adopted.

SENATOR HARRISON

Offered the following amendment:

Amend section 8, by adding "provided that any bona fide settler who owns one section and no more, prior to this enactment shall have the right to purchase three dry and strictly pastoral sections without being held to a compliance with oath herein provided."

SENATOR HARRISON

Spoke in favor of the amendment.

SENATOR BELL

Offered the following substitute for the amendment:

Amend the amendment by striking out the provision dispensing with the oath and inserting in lieu thereof "upon his making oath that he is not acting in collusion with others for the purpose of buying the land for any other person or corporation, and that no other person or corporation is directly or indirectly interested in the purchase of the same"

Accepted.

SENATOR FRANK

Raised point of order that the amendment was out of order, as similar matter was on yesterday voted down.

The point of order was not sustained.

SENATOR TERRELL

Moved the previous question on the amendment and the engrossment of the bill

Seconded, and main question ordered.

The amendment was adopted by the following vote:

YEAS—18.

Abercrombie,	Glasscock,
Bell,	Gregg,
Burges,	Harrison,
Burney,	Houston,
Camp,	Knittle,
Claiborne,	Lane,
Douglass of G,	Terrell,
Field,	Woods,
Garrison,	Woodward.

NAYS—11.

Allen,	MacManus.
Armistead,	Pope,
Calhoun,	Simkins,
Frank,	Stinson,
Jarvis,	Upshaw.
McDonald,	

The bill was ordered engrossed by the following vote:

YEAS—23.

Abercrombie,	Harrison,
Allen,	Jarvis,
Armistead,	Knittle,
Bell,	McDonald,
Burney,	MacManus,
Camp,	Pope,
Claiborne,	Simkins,
Douglass of G,	Stinson,
Field,	Terrell,
Frank,	Woods,
Garrison,	Woodward.
Gregg,	

NAYS—5.

Burges,
Calhoun,
Houston,

Lane,
Upshaw.

ABSENT—1.

Glasscock.

SENATOR HOUSTON

Sent up the following reasons for voting no on the bill:

1. I vote no because I believe substitute Senate bill No. 219 to be unconstitutional, especially so much of section 15 as provides for an absolute lease.

2. Because the bulk of the lands named in the bill are unsurveyed, and the classification thereof contemplated by this will be inaccurate if not impossible.

3. Because of the vast and far-reaching power sought to be invested by this bill in the Commissioner of the General Land Office.

4. The classifications by the agents created by this bill are final and opens the way to a ruinous system of corrupt and fraudulent sales and leases.

5. Because while perpetuities and monopolies are contrary to the genius of free government (bill of rights 26) and while our Constitution (bill of rights section 17) prohibits any irrevocable or uncontrollable grant of special privileges or immunities, any aggregation of capital can under this bill lease the entire average named under the bill.

6. Because the past experience has shown that the leasing of our domain has not proven a source of revenue but has retarded settlement and caused a depreciation in the value of our lands.

7. Because I believe that if the people properly understood this question they would prefer that this domain should be reserved for the home seeker instead of being allotted as a leasehold to alien corporations.

HOUSTON.

SENATOR BURGESS

Sent up the following as his reasons for voting no:

I vote no for the following reasons:

1st. I hold that the lands named in the bill belong to the various funds therein named; that these lands have been specially dedicated; that the State holds these lands in trust, to be used exclusively for the benefit of these funds; that there exists no right in the Legislature to confer any benefit upon any one in or to these lands, save

as a mere incident to their use, for the purposes to which they have been dedicated. I believe that under this bill, that the lands being held for actual settlers, the pasture lands held at a minimum price of two dollars per acre, and requiring these to be sold in such small quantities, will result disastrously to these special funds. I hold that the lands belonging to the public schools should be sold as rapidly as fair prices can be obtained for them; to the end that the present generation shall obtain at least a fair part of the benefits to be desired from these lands, and to provide for the great and pressing demands now upon us, of the means of free education for all the young of our State.

BURGESS.

SENATOR UPSHAW

Sent up the following reasons for voting no:

My reasons for voting against the passage of land bill, Substitute Senate bill No 219, are:

That in my opinion not more than 640 acres of land should be sold to any one person, while the bill provides for selling four sections. Otherwise the bill meets with my approval.

UPSHAW.

SENATOR LANE

Sent up the following reasons for voting no:

I vote no, on Senate bill No. 219, for the following reasons:

1. I am unalterably opposed to placing it in the hands of the commissioner, or any other one man to say which portion of Texas shall be settled by actual settlers and which shall not as this bill certainly does, by providing that the commissioner shall have the power and authority at his own discretion to determine what lands are in demand for settlement and what are not, and is authorized to sell such of the lands as he desires to sell, and to withdraw from sale any lands that he does not wish to sell.

2. I am opposed to the bill because it permits the commissioner to lease every acre of the lands to any one person, controlled only by his own judgment, which may or may not be biased by his favor or prejudice for certain parties desiring to lease. By the action of the commissioner he might close the doors of settlement of the country for five years against all power of any body.

3. I am opposed to the bill because it gives the commissioner power to regulate how a party shall apply for the lands and he can and may make the requirements so uncertain and intricate that it will be hard for unexperienced men to know what they have to do to become purchasers of said lands, while I believe the requirements should be simple and plain and fixed by law so that the humblest citizen would know what he had to do.

4. Because it gives the commissioner unrestrained power to fix such prices as he sees proper above the minimum for sale and lease of lands, and leaves it in his power thereby to favor friends and oppress enemies and to refuse offers of a higher price to sell or lease to others at a lower. While I think the price of each section of land should be fixed by law according to its class, and any actual settler should be permitted to buy at that price.

5. Because the bill utterly excludes the possibility of any actual settler who desires to engage in stockraising from obtaining a permanent home in Texas, from settling on the school lands.

6. Because it permits the commissioner to sell timber on timbered lands at his discretion, at not less than three dollars per acre, while on many acres of said land the timber is worth twenty-five dollars or more. Thereby leaving open a large door for fraud and collusion.

7. Because I am opposed to placing so much uncontrolled power in any man as this bill places in the hands of the commissioner, and while it may not be abused, if it is, it will operate great injury to the State.

8. While I greatly desire a good land law, providing a good lease system, I think this law will prove worse than no law, other than the State already has.

LANE.

The following message was received from the House:

HALL HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, March 2, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—I am instructed by the House to inform the Senate that House has relieved Hon. Mr. Fuller, at his own request, from the joint committee to visit the State University, and that Hon. Mr. Richardson has been appointed in his stead, and the commit-

tee now stands as follows: Messrs. Hudgins, Jarrott, Garwood, Page and Richardson.

Also,

That the House has adopted Substitute House bills 14 and 37.

"An act to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariff on the different railroads in this State; to prevent pooling; to establish reasonable maximum rates of charges for the transportation of passengers and freight on said railroads; to prohibit railroad companies, corporations and lessees in this State from charging other than just and reasonable rates, and to provide adequate penalties for the enforcement of the same, and prescribe a mode of procedure and rules of evidence in relation thereto, and also to create a board of railway commissioners, and to prescribe their powers and duties in relation to the same."

WILL LAMBERT,

Chief Clerk House of Representatives.

THE PRESIDENT

Referred substitute House bills No. 14 and 37 to Committee on Internal Improvements.

SENATOR TERRELL,

By leave,

Sent up the following committee reports:

COMMITTEE ROOM, }
AUSTIN, March 1, 1887 }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 293, entitled:

"An act to provide for the appointment of stenographers for the district court of the State of Texas, to define their duties, fix their compensation and provide for the payment of the same," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }
AUSTIN, March 1, 1887, }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No.

1, to whom was referred Senate bill No. 266, entitled:

"An act fixing the fees of jury commissioners for their services, and the mode and manner of paying the same," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass with the accompanying amendments.

All of which is respectfully submitted.

TERRELL, chairman.

Amendment No. 1.

Strike out the preamble.

Amendment No. 2.

In line 3, section 1, strike out the word "two," and insert the word "three."

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, March 1, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred House bill No. 52, entitled:

"An act to amend title 95 of the Revised Civil Statutes, by adding thereto Articles 4710a, 4710b, 4712a, 4748a, 4763a and 4765, and by amending Articles 4740, 4744, 4746, 4747, 4748 and 4761, so as to provide for a more thorough and efficient assessment of property and the collection of taxes thereon," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be referred to the Committee on Finance.

All of which is respectfully submitted.

TERRELL, chairman.

The bill was referred to the Committee on Finance.

COMMITTEE ROOM, }

AUSTIN, March 1, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred House bill No. 237, entitled:

"An act to amend Article 4603 of chapter 4 of title 93, and add to said chapter Article 4610a of the Revised Civil Statutes, relating to stock law elections," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, March 1, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 268, entitled:

"An act to amend article 4823 and 4843, of the Revised Civil Statutes of the State of Texas in relation to the trial of the right of property," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, March 1, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 267, entitled:

"An act fixing a lien for owners of pastures or those in charge of pastures on such stock as are placed in their pastures by the respective owners or persons in charge of such stock, to secure the payment of pasture fees or charges," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, March 1, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 136, entitled:

"An act to amend the Revised Statutes of the State of Texas by adding thereto a title to be styled title 52a, relating to the law of libel," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, March 1, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No.

1, to whom was referred Senate bill No. 248, entitled:

"An act to amend Article 586, title 20, Revised Civil Statutes," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }
AUSTIN, March 1, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee Judiciary No. 1, to whom was referred Senate bill No. 162, entitled:

"An act to limit the power of corporations to acquire or own real estate or any interest therein in the State of Texas," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

SENATOR HARRISON

Moved that the Senate adjourn till 10 o'clock to-morrow morning, this being Texas Independence day.

Lost by the following vote:

YEAS—13.

Abercrombie,	Knittle,
Armistead,	Pope,
Camp,	Simkins,
Gregg,	Stinson,
Harrison,	Upshaw,
Houston,	Woodward,
Jarvis,	

NAYS—15.

Allen,	Frank,
Bell,	Garrison,
Burges,	Glasscock,
Burney,	Lane,
Calhoun,	McDonald,
Claiborne,	MacManus,
Douglass of G,	Woods,
Field,	

ABSENT—1.

Terrell.

(Senator MacManus in the chair).

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 2, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—I am instructed by the House to inform the Senate that the House has passed the following bills:

House bill No. 357.

"An act to amend an act approved February 27, 1885, entitled "an act redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9 1883," by a two-thirds vote; ayes 71.

House bill No. 383.

"An act to release certain inhabitants of Sabine Pass City, county of Jefferson, from the payment of taxes assessed and now due for the year A. D. 1886, in consequence of a great public calamity," by a two-thirds vote; ayes 81, nays 1.

Senate bill No. 40.

"An act to amend chapter 18, of the Revised Civil Statutes, by adding thereto Article 1379a, as to filing statement of facts in cases on appeal," with an amendment.

Senate bill No. 16.

"An act to amend Article 549, chapter 10, title 15, of the Penal Code of the State of Texas," with an amendment.

Senate bill No. 14.

"An act to define and punish the conversion of personal property by hirers, borrowers and other bailees."

Senate bill No 15,

"An act to make it penal to use language or be guilty of conduct reasonably calculated to provoke a breach of the peace, and to prescribe the punishment therefor."

WILL LAMBERT,
Chief Clerk House of Representatives.
(The President in the chair.)

THE PRESIDENT

Referred House bill No. 357 to Committee on Judicial Districts,

And

House bill 383 to Committee on Finance.

On motion of Senator Frank,
House bill No 295,

"An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the government

from March 1, A. D., 1885, to February 28, A. D., 1887, being for payment of claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and other deficiencies," was taken up and read second time with six committee amendments.

On motion of Senator Armistead,

The committee amendments were acted on severally and adopted, and the bill was passed to its third reading.

On motion of Senator Woods,

The Constitutional rule requiring bills to be read on three several days, was suspended, and the bill was placed on its third reading by the following vote:

YEAS—27.

Abercrombie,	Houston,
Allen,	Jarvis,
Armistead,	Knittle,
Bell,	Lane,
Burges,	McDonald,
Calhoun,	MacManus,
Camp,	Pope,
Claiborne,	Simkins,
Douglass of G,	Stinson,
Field,	Terrell,
Frank,	Upshaw,
Garrison,	Woods,
Glasscock,	Woodard.
Gregg,	

NAYS—2.

Burney, Harrison.

The bill was read third time and passed by the following vote:

YEAS—26.

Abercrombie,	Houston,
Allen,	Jarvis,
Armistead,	Knittle,
Bell,	Lane,
Calhoun,	McDonald,
Camp,	MacManus,
Claiborne,	Pope,
Douglass of G,	Simkins,
Field,	Stinson,
Frank,	Terrell,
Garrison,	Upshaw,
Glasscock,	Woods,
Gregg,	Woodward.

NAYS—2.

Burney, Harrison.

ABSENT—1.

Burgess,

SENATOR M'DONALD

Offered the following resolution:

Resolved, That the chairmen of the Committees on Engrossed Bills and Enrolled Bills be and they are hereby authorized to call upon and require any of the committee clerks or any general clerk to assist the engrossing and enrolling clerks in the performance of their respective duties during the remainder of this session, and it shall be the duty of such clerks to so assist when called upon.

SENATOR M'DONALD

Spoke in support of the resolution, and it was adopted.

By leave,

SENATOR LANE

Sent up the following Committee report:

COMMITTEE ROOM, }
AUSTIN, March 2, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Public Health to whom was referred Senate bill No. entitled:

"An act to regulate the practice of pharmacy in the State of Texas," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that the accompanying substitute do pass.

All of which is respectfully submitted.

LANE, acting chairman.

Bill read first time with Committee substitute.

On motion of Senator Bell,

It was agreed to take up bills on third reading.

Senate bill No. 24.

A bill to be entitled:

"An act to define a certain part of the boundary of the State of Texas, and to authorize the institution and prosecution of a suit in the Supreme Court of the United States, against the State of Kansas, to establish the same, and to establish the jurisdiction of the State of Texas over certain territories therein described, and to appropriate money to meet the expenses attending such suit," was laid before the Senate and read third time and was passed.

On motion of Senator Houston,

The Governor's message on the majority report of the special committee on joint resolution "proposing an amendment to Article 5 of the Constitution as amended and adopted by the Bar association of Texas," was taken

up and read second time, with favorable committee report.

SENATOR CLAIBORNE

Moved to strike out in third line, section 2, the word "eight," and insert "six."

SENATOR POPE

Opposed the amendment and it was lost.

SENATOR CLAIBORNE

Moved to strike out in line 2, section 6 "five thousand" and insert "forty-five hundred."

SENATOR BELL

Offered the following substitute for the amendment:

"Amend by striking out 'five thousand' and inserting in lieu thereof 'thirty-five hundred.'"

SENATORS ALLEN AND BELL

Spoke in favor of the substitute:

SENATOR CLAIBORNE

Moved to amend the substitute as follows:

"Strike out '\$3500.00' and insert '\$4000.00.'"

Senators Burges, Woodward, Pope, Burney and Houston opposed the pending substitute and amendments:

SENATORS CLAIBORNE AND GLASSCOCK

Spoke in favor of the last amendment.

SENATOR BURNEY

Offered the following substitute for the pending substitute and amendments:

"Each Justice of the Supreme Court shall receive such salary for their services as may be provided by law, not to exceed \$5000 a year."

SENATOR BURNEY

Spoke in support of the substitute.

SENATOR HOUSTON

Moved to lay the substitutes and, pending amendments on the table.

Carried by the following vote:

YEAS—16.

Armistead,	Garrison,
Burges,	Glasscock,
Camp,	Gregg,
Field,	Houston,

Jarvis,
Knittle,
Lane,
Pope,

Stinson,
Terrell,
Upshaw,
Woodward.

NAYS—12.

Abercrombie,
Allen,
Bell,
Burney,
Calhoun,
Claiborne,

Douglass of G,
Frank,
Harrison,
McDonald,
Simkins,
Woods.

ABSENT—1.

MacManus.

SENATOR TERRELL

Moved to postpone the consideration of the resolution indefinitely.

Senators Bell, Houston and Simkins opposed the motion to postpone indefinitely, and Senators Terrell, Upshaw and Burges favored the motion.

The motion to postpone indefinitely was lost by the following vote:

YEAS—11.

Allen,
Burges,
Camp,
Garrison,
Glasscock,
Gregg,

Jarvis,
Knittle,
Lane,
Terrell,
Upshaw.

NAYS—18.

Abercrombie,
Armistead,
Bell,
Burney,
Calhoun,
Claiborne,
Douglass of G,
Field,
Frank,

Harrison,
Houston,
McDonald,
MacManus,
Pope,
Simkins,
Stinson,
Woods,
Woodward.

On motion of Senator Bell,
The joint resolution was laid on the table subject to call.

On motion of Senator Lane,
Substitute House bill No. 44.

A bill to be entitled:

"An act to require railway corporations when they fence their right of way, or where they have already fenced it, to leave or make certain crossings or openings therein, and to provide a penalty for the violation hereof," was taken up and read second time with committee substitute.

On motion of Senator Woods,

The substitute was adopted.

On motion of Senator Woods,

It was agreed to consider the bill section by section.

SENATOR WOODS

Moved to amend section 1, line 5, by striking out "one and one-half miles," and insert "three miles," in lieu thereof.

SENATOR WOODS

Spoke in favor of the amendment, and Senators Harrison, Lane and Allen opposed it.

The amendment was lost.

SENATOR GLASSCOCK

Moved to amend as follows:

Provided that the openings and the crossways shall not apply to incorporated cities and towns. But such changes shall be made in such cities and towns as the city council may direct.

SENATOR GLASSCOCK

Spoke for, and Senators Harrison and Lane spoke against it, and Senator Glasscock withdrew the amendment.

SENATOR TERRELL

Offered the following amendment to section 1.

"Provided, that if such fence shall divide any enclosure, that at least one opening shall be made in said fence within such enclosure."

SENATOR TERRELL

Spoke in favor of the amendment, and it was adopted.

SENATOR M'DONALD

Moved to amend section 2 by adding thereto the following, "and of wagons and other vehicles."

Adopted.

SENATOR ALLEN

Moved to strike out of section 2 the words "are to" in line 1 and substitute "shall."

SENATOR ALLEN

Spoke in favor of the amendment,

And

It was adopted.

SENATOR LANE

Moved to amend section 5 as follows:

"Add 'except inside of enclosures,' as provided in section 1."

Adopted.

SENATOR HARRISON

Moved to amend section 1 by adding: "The provisions of this act shall apply also to cases where in the construction of such road bed the grade is one foot or over above or below the surface of the ground over which it passes."

SENATOR HARRISON

Favored,
And

SENATORS POPE AND TERRELL

Opposed the amendment.

SENATOR CALHOUN

Moved to adjourn till 3:30 o'clock this afternoon.

SENATOR POPE

Moved, in honor of the anniversary of Texas independence, to adjourn till 10 o'clock to-morrow morning.

The last motion was adopted, and The Senate adjourned till 10 o'clock to-morrow morning.

FORTY-FIFTH DAY.

SENATE CHAMBER. }
AUSTIN, March 3, 1887. }

The Senate met pursuant to adjournment.

Lieut. Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the chaplain of the House, Dr. Mitchell.

On motion of Senator Stinson, The reading of the Journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

BY SENATOR DOUGLASS OF GRAYSON:

Resolution of the Grayson county Medical Society, protesting against the changing of the appointing power from the board of managers of the lunatic asylum to the Governor.

Referred to Committee on Constitutional Amendments.

And,